

Notice of Intent to Adopt a Rule

LSA Document #11-386

Under [IC 4-22-2-23](#), the Indiana Optometry Board intends to adopt a rule concerning the following:

OVERVIEW: Adds [852 IAC 1-1.1-2.5](#) to establish the requirements concerning the applications and fees for issuance or renewal of an optometry license and optometric legend drug certificate. Amends [852 IAC 1-1.1-4](#) concerning the requirements for an optometry license. Amends [852 IAC 1-1.1-5](#) concerning the acceptance of a current certificate issued by the Association of Regulatory Boards (ARBO), Council on Endorsed Licensure Mobility for Optometrists (CELMO), in lieu of an official transcript. Amends [852 IAC 1-2.1-2](#) concerning the requirements for licensure by endorsement. Amends [852 IAC 1-2.1-4](#) concerning the jurisprudence examination covering Indiana law. Adds [852 IAC 1-2.1-6](#) to establish requirements for an optometric legend drug certificate. Amends [852 IAC 1-3-1](#) to delete the term of "grossly incompetent". Amends [852 IAC 1-5.1-1](#) to add that an optometrist has the responsibility to determine the expiration of a prescription for spectacles and contact lenses. Amends [852 IAC 1-8-1](#) to add definitions for the terms of "agency" and "COPE". Amends [852 IAC 1-10-1](#) to add fees for the application and renewal of an optometric legend drug certificate. Amends [852 IAC 1-10-2](#) concerning support fees to Indiana University for active and inactive licensees. Amends [852 IAC 1-11-1](#) to modify the term of "optometric diagnosis" to "diagnosis" and add language regarding the administration of diagnostic and therapeutic pharmaceutical agents by injection. Amends [852 IAC 1-15-1](#) to correct the spelling of the term "hygienic". Amends [852 IAC 1-15-3](#) to add "governmental agency" as an entity with which an optometrist may contract to provide independent optometric services. Amends [852 IAC 1-16-1](#) regarding continuing education requirements to renew an optometry license. Adds [852 IAC 1-16-1.1](#) to establish continuing education requirements for renewal of an optometric legend drug certificate. Amends [852 IAC 1-16-2](#) regarding the licensee's responsibility to certify completion of continuing education to renew their optometry license and optometric legend drug certificate. Amends [852 IAC 1-16-3](#) regarding the requirements for approval of continuing education sponsor. Amends [852 IAC 1-16-4](#) regarding the standards for the approval of optometry continuing education. Adds [852 IAC 1-16-4.1](#) to establish the standards for the approval of optometric legend drug continuing education. Amends [852 IAC 1-16-5](#) regarding the penalty for noncompliance of a licensee who fails to comply with [852 IAC 1-16-1](#). Adds [852 IAC 1-16-6.5](#) to establish continuing education credit for optometrists who are speakers at continuing education programs. Amends [852 IAC 1-16-7](#) concerning the number of continuing education hours granted for self-study per renewal period. Amends [852 IAC 1-16-8](#) to add additional sponsors of continuing education programs deemed approved. Amends [852 IAC 1-17-1](#) regarding the requirements for a limited license. Amends [852 IAC 1-7-2](#) concerning the jurisprudence examination covering Indiana law for a limited license. Amends [852 IAC 1-17-3](#) regarding the required number of continuing education hours to renew a limited license. Amends [852 IAC 3-3-1](#) regarding the formulary of legend drugs. Repeals [852 IAC 1-8-5.1](#), [852 IAC 1-16-6](#), [852 IAC 2](#), [852 IAC 3-1](#), [852 IAC 3-2](#), and [852 IAC 3-3-2](#). Effective 30 days after filing with the Publisher. Questions and comments concerning the proposed rule may be sent to the Small Business Regulatory Coordinator for this rule. Statutory authority: [IC 25-24-1-1](#); [IC 25-24-3-10](#).

For purposes of [IC 4-22-2-28.1](#), the Small Business Regulatory Coordinator for this rule is:

Cindy A. Vaught
Board Director
Indiana Optometry Board
Indiana Professional Licensing Agency
Indiana Government Center South
402 West Washington Street
Indianapolis, IN 46204
(317) 234-2003
cvaught@pla.in.gov

For purposes of [IC 4-22-2-28.1](#), the Small Business Ombudsman designated by [IC 5-28-17-5](#) is:

Ryan Asberry
Indiana Economic Development Corporation
One North Capitol, Suite 700
Indianapolis, IN 46204
(317) 232-8962
smallbizombudsman@iedc.in.gov

Resources available to regulated entities through the small business ombudsman include the ombudsman's duties stated in [IC 5-28-17-5](#), specifically [IC 5-28-17-5\(9\)](#), investigating and attempting to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as

a party to a proceeding or as a mediator.

Posted: 06/29/2011 by Legislative Services Agency
An [html](#) version of this document.